

Article - Criminal Procedure

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§11–607.

(a) (1) When a judgment of restitution has been entered under § 11–603 of this subtitle, compliance with the judgment of restitution:

(i) may be a requirement in the judgment of conviction or disposition in a juvenile delinquency proceeding;

(ii) if work release is ordered or allowed, shall be a condition of work release; and

(iii) if probation is ordered, shall be a condition of probation:

1. in addition to a sentence or disposition; or

2. instead of a sentence if the probation is ordered before judgment under § 6–220 of this article.

(2) Subject to federal law, the Department or the Department of Juvenile Services shall obtain the Social Security number of the restitution obligor to facilitate the collection of restitution.

(b) (1) The restitution obligor shall make restitution to the Department or the Department of Juvenile Services under the terms and conditions of the judgment of restitution.

(2) The Department or the Department of Juvenile Services:

(i) shall keep records of payments or return of property in satisfaction of the judgment of restitution;

(ii) shall forward property or payments in accordance with the judgment of restitution and Part I of this subtitle to the person or governmental unit specified in the judgment of restitution; and

(iii) may require the restitution obligor to pay additional fees not exceeding 2% of the amount of the judgment of restitution to pay for the administrative costs of collecting payments or property.

(c) (1) Whenever an obligor's restitution payment, as ordered by the court or established by the Department, is overdue, the Department or the Department of Juvenile Services shall:

(i) notify the court; and

(ii) if an earnings withholding order is not in effect and the restitution obligor is employed, request an earnings withholding order.

(2) The court may hold a hearing to determine whether the restitution obligor is in contempt of court or has violated the terms of the probation.

(3) If the court finds that the restitution obligor intentionally became impoverished to avoid payment of the restitution, the court may find the restitution obligor in contempt of court or in violation of probation.

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